

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

AFFYMETRIX, INC., a Delaware :  
Corporation, :  
 :  
Plaintiff/ :  
Counter-Defendant, :  
 :  
v. : Civil Action No. 04-901-JJF  
 :  
ILLUMINA, INC., a Delaware :  
Corporation, :  
 :  
Defendant/ :  
Counter-Plaintiff. :

O R D E R

WHEREAS, Plaintiff, Affymetrix, Inc., has filed a Motion For Summary Adjudication On Illumina, Inc.'s Third And Seventh Affirmative Defenses And Second Counterclaim (D.I. 272) and Opening Brief (D.I. 273) in support;

WHEREAS, Defendant, Illumina, Inc., has filed a Counter-Statement Of Facts in opposition to the Motion (D.I. 290), and Plaintiff has filed a Response (D.I. 295);

WHEREAS, the Court has reviewed the Motion and related submissions and concludes that summary adjudication of the issues raised in the Motion is appropriate, and therefore, full briefing on the Motion should be completed;

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. Defendant, Illumina, Inc., shall file its Answering Brief **within ten (10) days** of the date of this Order.

2. Plaintiff, Affymetrix, Inc., shall file its Reply Brief within **five (5) days** of service of Defendant's Answering Brief.

October 19, 2007

DATE

Joseph A. Fama  
UNITED STATES DISTRICT JUDGE